

BEHAVIORAL AND ETHICAL TRENDS ANALYSIS (BETA)

**A SUMMARY OF DISMISSALS
INVOLVING FBI AGENTS AND EGREGIOUS BEHAVIOR**



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In his October 27, 1998 memorandum to all employees entitled **Maintaining THE PUBLIC TRUST**, Director Lois J. Freeh reminded us that for good reason, the FBI is regarded as the world's foremost law enforcement agency, and that it is our institutional and individual commitment to integrity that underlies the high regard in which the FBI is held. In his words, "This reputation is critical for we are able to accomplish what we do because current and former employees of the FBI have earned the trust of the American people. That trust and your contribution to it, is the cornerstone upon which all aspects of our work depends. To maintain that trust requires each of us to strictly adhere to the highest standards of ethical conduct. "

PREFACE

In November 1996, Supervisory Special Agents (SSAs) Behavioral Science Unit (BSU), and _____ Law Enforcement Ethics Unit (LEEU), met with Unit Chiefs _____ (LEEU) and _____ (BSU) to plan, design and approve operationally, a comprehensive research project that would study FBI Agents' egregious behavior. The Behavioral and Ethical Trends Analysis (BETA) project was conceived and approved in 1997.

The BETA Project is a joint BSU and Office of Professional Responsibility (OPR) study, designed to study FBI Agents (SAs) who have been dismissed, resigned, or retired while under investigation (herein, referred to as Subject SA) due to substantiated acts of criminal and serious misconduct during the time period of 1986 through 1999. These years were chosen, partly, because they represent a decade which examines long-term trends and, this date is the beginning of a computer database in OPR.

The broad goal of this research is to identify and assess behavioral and ethical trends of FBI SAs. For the purpose of the study, misconduct is defined as any act of behavior that violates FBI standards of conduct which results in removal from FBI roles.

Chapter I

BETA Case Descriptions

BETA Case Descriptions

The following are some case examples of FBI Agents removed from the roles as defined by the Office of Professional Responsibility (OPR's) final disposition:

- This Agent was dismissed for misuse of a Bureau vehicle; unauthorized passengers in a Bureau vehicle; improper association with informants and their families; improper handling of informant payments; and falsification of an administrative subpoena.
- This former Special Agent (SA) prepared fraudulent real estate documents to support the fictitious purchase of a residence, when in fact no purchase of a residence occurred. This transaction allowed Agent and spouse to claim reimbursement through the fictitious sale of their residence; filed fraudulent federal income taxes; and filed false loan application statements.
- This former Agent was involved in criminal theft specifically shoplifting on numerous occasions and lacked candor during the internal investigation.
- This Agent misused government telephones for personal reasons; unnecessary delays in opening a corruption case due to an established friendship with the subject; misuse of Bureau position and abuse of power.
- The Agent was behaving unprofessional; engaged in fraudulent behavior using Bureau telephones. The Agent was calling sex hotlines with Bureau phones while on duty.
- An Agent submitted fraudulent parking receipts and vouchers; failed to notify supervisors of his address; falsified Time and Attendance Records (T&A); misused government property; and lack of candor.
- An Agent engaged in egregious conduct engaging in a non-consensual sexual acts with a subordinate employee (rape); increased alcohol abuse and became unfit for duty.
- An Agent engaged in reckless endangerment of others; was emotionally and physically abusive to family; used his Bureau weapon to shoot his spouse resulting in criminal attempted homicide charges.
- An Agent made false statements on government forms; lacked candor in sworn, signed statements; misappropriated FBI property and converted it to own use; unauthorized disclosure of information to non-FBI employees; unauthorized disclosure of undercover operation to non FBI employees.

- An Agent engaged in numerous unauthorized disclosures of sensitive information to unauthorized individuals regarding FBI investigations; and lied to OPR under oath during administrative inquiry.
- Agent was dismissed for revocation of security clearance due to poor judgement involving sexual inappropriate behaviors in public, lack of candor, and repeated efforts to avoid cooperation in the inquiry.
- An Agent was using marijuana while employed by the FBI and tested positive for the illegal substance; the Agent also made false statements on an application to the FBI regarding extent of usage of illegal substances.
- A former Agent engaged in interpersonal violence, such as sexual abuse of minor children, physically assault of an adult female, and long-term misconduct.
- An Agent was dismissed for misuse of a government vehicle on multiple occasions; unauthorized passengers in vehicles (prostitutes); criminal misconduct involving the violation of penal code for solicitation of prostitution; indecent exposure; providing false statements to local law enforcement; and unprofessional conduct.
- A former Agent, with a history of financial difficulties, was arrested on charges that he violated the federal law which prohibits solicitation and acceptance of a bribe by a public official. The Agent was extorting money from drug dealers. He was convicted in federal court and sentenced to federal prison.
- A former Agent lacked candor during administrative inquiry; falsified Bureau forms regarding his recent arrest for performing a sex act in public; and failed to report a law enforcement contact to authorities.
- Former Agents' office was notified that an Agent was arrested for felony sexual abuse charges alleging rape, child abuse, and second degree sex offenses charges. Former Agent was indicted in excess of 20 sex abuse charges and eventually was sent to prison.
- An Agent was chronically insubordinate after repeatedly disobeying direct instructions not to get involved in local police matters which was of personal interest to this Agent; Agent was insubordinate and misused official Bureau position.
- An Agent was dismissed for unacceptable performance and several instances of misconduct. The Agent was engaging in unusual, erratic behavior necessitating counseling, yet despite these efforts, became threatening and abusive to authorities; Agent took FBI documents and returned them in an untimely manner.

- Agent committed fraud against the government on numerous occasions in an elaborate scheme to perpetrate such acts resulting in a 27-count indictment; Agent was convicted and sentenced to federal prison.
- This Agent was misusing position by engaging in unauthorized disclosures of FBI information on multiple occasions; lacked candor in signed, sworn statements.
- This former Agent was involved in unauthorized disclosures of information; maintained an improper relationship with a citizen with direct ties to criminal associates; directed subordinates through false pretenses to conduct a personal investigation; and lacked professional judgement.
- This former Agent demonstrated poor judgement by engaging in verbal and physical altercation with citizens while under the influence of substances; and engaged in abuse of police official.
- Former Agent falsified a Bureau applicant background and failed to conduct investigative duties, and lacked candor during the inquiry.
- This former Agent was involved in long-term misconduct; arrest for substance abuse (DWT); was non-compliant to medical treatment; threatened physical harm to superiors; and unprofessional conduct displayed with co-workers.
- An Agent submitted fraudulent vouchers to FBI; fabricated receipts to support vouchers amounting to excess of \$5,000; falsified T&A cards; admitting lied to superiors on many occasions.
- An Agent engaged in long-term misconduct; misused government credit card; transported unauthorized passengers in vehicle; and lied under oath.
- Agent was dismissed for theft of funds from informant/asset payments and other illegal activities while on duty.
- A former employee lacked candor during investigation; had inappropriate relationship with an individual who was a criminal selling and using drugs; failed to assist law enforcement officials in an attempt to locate her partner; and displayed poor judgement in evidence handling.
- This Agent engaged in theft of government property; misuse of a Bureau vehicle; falsification of T&A records; submission of false receipts; unauthorized outside employment; and lack of candor.

- This former Agent engaged in long-term misconduct; falsification of investigative activity; government theft; and lack of candor during investigation, eventually receiving a prison sentence.
- An Agent took money from a citizen through false pretenses; falsified voucher records and made false claims against the government; took loans from informants; and willingly failed to cooperate in an administrative inquiry.
- A former Agent had a severe gambling/alcohol problem and engaged in theft of informant funds to the excess of \$400,000 resulting in indictment, arrest, and imprisonment.
- An Agent misused a Bureau vehicle; improperly claimed expenses on a voucher; failed to comply with state personal property and income tax laws; improperly claiming availability pay (AVP) on T&A registers on multiple occasions; and lied under oath to OPR.
- This senior Agent engaged in long-term misconduct; used crack cocaine on a frequent basis; acknowledged purchasing, possessing, and admitting using crack cocaine. The Agent was apprehended with drug paraphernalia (crack pipes) and subsequently arrested.
- This former Agent was initially investigated for allegedly dealing drugs. Internal investigation resulted in former Agent selling cocaine to Undercover FBI Agent. Former Agent received a prison sentence.
- An Agent engaged in long-term misconduct centered around poor work performances due to alcohol abuse; engaged in false sworn testimony; stole government property; destruction of Bureau property and records; unprofessional conduct; unauthorized disclosures.
- An Agent was arrested for public exposure/nasturbation during work hours; misuse of Bureau position requesting professional courtesy; lack of candor during inquiry.
- This former Agent was dismissed for submitting fraudulent vouchers during transfer and was overpaid thousands of dollars. (He stayed with relatives when claiming transportation and relocation expenses.) Former Agent pled guilty to criminal charges.
- An Agent falsified official documents; misused government; unauthorized passengers in Bureau vehicle; loss of Bureau property; failed to report contact with local police on numerous occasions; unprofessional conduct; poor judgement; lack of candor; engaged in long-term egregious behavior, sexual misconduct, and lack of discretion.

- An Agent engaged in theft of government property(ammunition) and became the subject of another state law enforcement investigation. Agents associate owned a shop and Agent traded FBI property on multiple occasions. This misconduct was extensive and long-term. This Agent was sentenced to prison for theft.
- This Agent displayed poor judgement, unprofessional conduct, and used an FBI fax machine to receive sports betting materials. His work performance was inadequate, unprofessional, and failed to respond to counseling by superiors; frequent absences were reported in addition to sloppiness; behavior of this Agent was becoming more erratic, defensive, and aggressive.
- This Agent, with a history of previous misconduct, was dismissed for willfully engaged in a sex act with a prostitute; misuse of a Bureau vehicle; an unauthorized passenger in his vehicle; filing a false police report.
- Former FBI Agent was dismissed for misuse of a government credit card and lack of candor during the signed, sworn statement. Agent had an extensive history of misconduct for obstruction and insubordination.
- This Agent released extremely confidential information relating to a police corruption investigation; although a probationary Agent, former employee had been counseled for lack of professional conduct and comments on earlier occasions.
- This former Agent had an extensive history of alcohol abuse and refused to conform to established standards and policies; employee often drank on the job, and eventually was arrested and charged with DWI and resisting arrest.
- Former Agent engaged in criminal misconduct and series of violations of rules and regulations; Agent was engaging in unprofessional conduct and depositing Bureau money into his personal accounts.
- This Agent was involved in egregious long-term misconduct, including insubordination and misuse of position. Former Special Agent (SA) was arrested for shoplifting; Agent attempted to use his position as an SA to influence the investigation. Agent had a prior altercation with a threat against a citizen; Agent seemed to have difficulty managing his personal and family life.
- SA was dismissed for theft of Bureau property; converting Bureau property to personal usage; lacked candor; unauthorized outside employment; unauthorized passengers in a Bureau vehicle.

- This Agent was dismissed for admission of unauthorized disclosures of classified information to individuals representing a foreign intelligence agency; fabrication and embellishment of official reports to FBI Headquarters; poor judgement in operating Bureau informants/assets. SA acknowledged disclosing a substantial amount of classified information about the FBI to others; and lack of candor.
- Former SA misappropriated government funds; lack of candor; inattention to supervisory responsibilities; conversion/misuse of property; Title 31 issues; loss of government property and failure to report loss of property.
- SA engaged in unprofessional conduct frequently in public, most recently involving public intoxication and unprofessional conduct; aggressive and assaultive to a female Agent; employee clearly engaged in long-term alcohol abuse while on duty.
- This former SA removed classified documents from the office; maintained an improper financial relationship with informants; made unwitnessed payments to assets; falsified official documents; and engaged in fraudulent financial practices.
- Former SA engaged in destruction of private property and unprofessional conduct; Agent destroyed private property, used vulgar language, and made threats toward others. Agent had a history of impulsiveness and erratic behavior. Employee failed to recognize the illegality of his behavior and lacked remorse for his actions.
- A former Agent falsified official documents and interviews; lacked candor during the inquiry; while on suspension, he used marijuana while on-board and agreed to accept a quantity of drugs from informant to give to a paramour.
- Employee was alleged to have embezzled more than \$1,000,000 from his former employer. Former Agent acknowledged his misconduct in engaging in illegal behavior prior to entering the FBI.
- An Agent willfully provided false information to FBI management regarding the disappearance of a Bureau weapon and his false statements implicated a former Bureau employee in wrongdoing, initiating a criminal theft of government property against this former employee.
- This former Agent was engaged in long-term misconduct, using his position with intelligence/security background to engage in espionage with a hostile foreign government. Agent accepted cash payments from who he believed to be handlers from another government and was arrested by the FBI, convicted in federal court, and sentenced to a lengthy prison term.
- Former Agent had a history of misconduct for misrepresentation to government witnesses, and substandard performance as an Agent. Agent disclosed sensitive material to unauthorized persons, including a well-known media person.

- Former Agent pled guilty to manslaughter after killing his informant, after years of an inappropriate emotional and sexual relationship with her. He covered up the murder and failed to advise FBIHQ that he was interviewed by the state police in the whereabouts of his victim. He was sentenced to prison.
- This former employee had a history of misconduct involving vehicles and Bureau equipment. Agent was dismissed for voucher fraud, improperly charging personal calls to the Bureau for more than one year while he was engaged in romantic relationship with another employee.
- This Agent was dismissed for serious criminal conduct and serious violations of Bureau rules and regulations. This Agent had an established history of inappropriate relationships with women and displayed poor judgement. This Agent abused his position of trust and responsibility, and sexually harassed and assaulted more than one employee, threatening severe consequences if employee told.
- This employee used poor judgement and engaged in an unprofessional relationship; lied to superiors about inappropriate sexual relationship; engaged in taking of nude photos on government property; and misused Bureau telephones for personal business.
- This former Agent had a history of misconduct since being hired; and was proposed for dismissal as a New Agent at the FBI Academy when he lied to staff members. New Agent was suspended upon graduation; was eventually dismissed years later for public sex offenses, including public masturbation; was arrested and failed to notify FBI of his misconduct; Agent lied about his conduct during the inquiry.
- Former Agent had an extensive history of alcohol-related offenses, arrested for DWI and suspension; was dismissed for another arrest for vehicular homicide, DWI, and failure to drive in the designated lane; was determined to be driving a Bureau vehicle with an alcohol level of 0.30 plus. Former Agent was sentenced to jail.
- This Agent was fired for criminal, sexual offenses involving numerous incidents of sexual behavior in public, including public masturbation and frequent assault on his victims. Agent was a paraphiliac engaging in "fetishism".
- This former Agent, with a history of misconduct, gambling addictions, and alcohol abuse pled guilty to charges of theft of government property. Former Agent stole \$20,000 to support his gambling behavior.
- A former Agent engaged in sexual relationship with a prostitute dozens of times, misused a Bureau vehicle with the same, utilized an apartment for same purposes knowing illegal activities would occur, and insubordination.
- Former Agent was arrested for DWI by a state trooper, refused to take a chemical test; lacked candor during inquiry; involved in a hit-and-run with a Bureau vehicle after causing injury to a private citizen on-duty.

- This Agent provided false information to the FBI to obtain more money from vouchers, made false statements to OPR during inquiry, fraudulently claimed thousands of dollars during an elaborate financial real estate scam; failed to satisfy financial obligations; insubordination; and misused Bureau telephones.
- This FBI Agent shoplifted merchandise and transported goods in a Bureau car; transported unauthorized passengers in Bureau vehicle; and lacked candor during inquiry and during a signed, sworn statement.
- This former Agent was engaging in an inappropriate relationship with a company, clearly attempting to influence sales and purchases of their product, while employed by the FBI; Agent was secretly receiving a salary on a monthly basis. Agent pled guilty and was sentenced to jail.
- Former Agent misappropriated funds for undercover operation, for personal use, and purchased items for car and home; falsified reports and receipts; and lacked candor during inquiry.
- Agent submitted numerous fraudulent vouchers, filing repeated false trips while, supposedly, on official duty. Agent pled guilty, was sentenced to fines and probation with restitution ordered.
- Former Agent engaged in criminal conduct and serious violations of FBI policy, employee stole evidence (kilos of heroin) from FBI office and sold illegal drugs to FBI drug subjects. Former Agent was convicted and received a federal prison sentence.
- This former Agent engaged in inappropriate relationship with a subordinate employee, extending favors to an employee; used sexually explicit language in the workplace; lacked candor during the inquiry; misused a Bureau vehicle; committed voucher fraud; and displayed poor judgement.
- Former Agent, willfully, solicited a prostitute and engaged in sexual acts in an FBI vehicle, attempted to obstruct his investigation by the police; former employee was already under investigation for threats towards others and misusing a government credit card.

Chapter II

Summary of Major Findings

Summary of Major Findings

The following is a summary of findings pertaining to dismissals of Special Agents during the years 1986 through 1999 that were:

- A) Investigated by the Office of Professional Responsibility (OPR); or
- B) Substantiated to the degree warranting administrative action.

- Dismissals steadily increased from 1990 through 1996, and since then have tapered off.
- Less than one Agent per thousand was dismissed from the rolls of the FBI during the period studied.
- Special Agents dismissal for egregious behavior between 1986-1999 was infrequent. Dismissals averaged/approximately 8.5 Agents annually. This average included those involved in litigation.
- Although the total number of dismissals seemed to be few, for every Agent dismissed between 1986-1999, an equal number resigned under inquiry or retired abruptly.
- The office regions, at the time of misconduct, were equally distributed, with the exception of the south, which accounted for 40% of dismissed Agents. In addition, FBIHQ accounted for 17% of the misconduct.
- The majority of Special Agents (63%) dismissed were engaged in long-term misconduct.
- Many former Agents engaged in long-term misconduct (65%); approximately 45% had a history of previous disciplinary actions.
- Although many former FBI Agents had a history of multiple disciplinary actions, approximately one-half (45%) of those dismissed were previously suspended.
- The majority of dismissed Agents were engaged in both on-duty and off-duty misconduct (40%).
- Of the Agents dismissed for egregious behavior, 20% had off-duty contact with a law enforcement agency. This contact included incidents of illegal sexual misconduct (40%), domestic violence (33%), drug possession/DUI (20%), and interference in police matters (7%).
- Agents between the ages of 31-35 years-of-age and 46-50 years-of-age made up approximately 55% of the Agents dismissed.
- The category of misconduct was the greatest in the age range of 31-35 years-of-age, with 32.5% of subject population in this category. As an Agent aged beyond 35 years, the percentages for dismissals decreased.

- The average number of years in the Bureau before misconduct occurred was 10.8 years.
- Twenty-five per cent of Agents dismissed were in the FBI for four years or less.
- As expected, the majority of former Agents dismissed were GS 12-13 Agents (59%), followed by GS 10-11 Agents (21%), and GS 14 and above comprising 20% of Agents dismissed for egregious behavior.
- Males made up the majority of Special Agents dismissed.
- Female misconduct, resulting in removal, was less frequent than males, but was proportionate to the percentage of female Agents in the FBI.
- Only a small percentage (12.5%) of female Agents engaged in misconduct exclusively on duty.
- Approximately three-quarters (74%) of dismissed female Special Agents engaged in fraud, drug/alcohol violations, and lack of candor.
- More than half of the FBI Agents (65%) were dismissed for fraud (21%); sex offenses (16%), drug and alcohol violations (14%); and unprofessional conduct (14%).
- The majority of dismissed Agents (71%) did not have financial difficulties. Those Agents who did (10.2%) listed the following reasons: significant indebtedness, loan delinquency, drug abuse, wages garnished for child support, suffered due to transfers, and excessive gambling.
- Only 37.5% of dismissed Agents' behavior indicated some form of psychological or physical problems at the time of misconduct. Of this group, approximately one in four (25%) had a documented history, of physical and/or psychological problems. Despite a documented history, only 9% received a fitness for duty exam.
- The majority of Agents (approximately 60%) did not appear to have physical/psychological problems at the time of their misconduct. Of the 37% having multiple problems, over half had physical/mental problems (57%), one-third had personal and/or family problems (31%), and the smallest percentage had substance abuse (12%).
- Although 28% of dismissed FBI Agents gave no reason for their misconduct, 30% attributed their dismissal to physical/mental health, 20% to their marriage or financial difficulties, 15% to drug and alcohol problems, and 7% attributed active or previous undercover work as their defense.
- Of those FBI Agents dismissed for substance abuse, the majority (75%) were for drug violations including cocaine, cocaine base "crack" and heroin usage, and distribution. The remaining 25% involved alcohol abuse/infractions (DWI/DUI).

- Approximately 17% of the dismissed Agents were incarcerated for on/off duty behavior as an FBI Agent. The offenses included attempted homicide, murder, bribery, child molestation, domestic violence, rape, drug possession, drug distribution, espionage, fraud, obstruction of justice, and theft.
- The trend of sexual misconduct has increased over the years resulting in the second largest category of this research project (16%). The majority of incidents involved indecent exposure committed by males.
- Dismissed Special Agents who were married comprised four times the number than Agents who were single, separated, or divorced during the period studied.
- Only 22% of those Agents dismissed had prior experience as a law enforcement officer.
- The majority (54.5%) of dismissed former Agents did not have military experience.
- The majority of Agents dismissed were not in an undercover status at the time of their misconduct (80%).
- Only 6.8% of FBI Agents dismissed were in undercover status at the time of their misconduct.
- The majority of dismissed Agents received one or more commendation(s) for their work (70%).
- Since 1993, there has been an increase in litigation of dismissed FBI Agents. One of every five dismissed Special Agents (20.33%) were in some process of litigation.

Chapter V

Summary of Observations

SUMMARY OBSERVATIONS

This presents the BSU's analysis of the available data regarding Agents who were dismissed from the rolls of the FBI between 1986 and 1999. The following summary observations are listed below:

1. The BETA project serves as a foundation for future studies. Compilation of statistics regarding dismissals should be tracked on an annual basis to identify trends in egregious behavior resulting in dismissals.
2. The BETA project, an original research project in the FBI, serves to enhance available knowledge regarding Agents who were involved in egregious behavior and the types of misconduct in which they were involved. It was the researchers' perception that many FBI employees are unaware of the seriousness of the final category of misconduct demonstrated by their co-workers. Research interviews revealed that employee knowledge of a co-worker(s) egregious behavior is often limited to what the employee chose to disclose. Due to the apparent and general lack of accurate information regarding employee egregious and related consequences, it may be useful to increase employee awareness of Agent misconduct while respecting confidences.
3. All FBI employees, at all levels, should be afforded the opportunity for ethics instruction. Serious misconduct is evident at all grades/positions. Senior Executive Service (SES) employees appeared to receive fewer suspensions/dismissals despite indications that they, too, engaged in egregious behavior, similar to non-SES employees. The apparent differential adjudication of these offenses may be attributed to differing disciplinary and punitive behavior; nonetheless, the apparent variance is elusive and beyond the scope of the current study.
4. Some Agents in the BETA population, who were dismissed, were determined to have been hired as a result of substandard background history of the applicant or even hiring of the employee after the background had revealed negative information regarding them. Despite a negative recommendation or "no hire" from employers, the individual was hired. In addition, some cases involved New Agent Trainees at the FBI Academy or probationary Agents in the Field Divisions. Through extensive file reviews, it was determined that the employee was retained despite exhibiting egregious behavior. In most of these cases, the employee engaged in serious misconduct until their dismissal.
5. There were some "markers" identified in dismissed FBI Agents that included Agents hired with a checkered past, Agents with an established history of long-term misconduct, FBI Agents receiving inadequate or ineffective supervision, Agents with a history of severe emotional, psychological, family problems, substance abuse problems, or clear indicators of such.

APPENDICES

APPENDIX A

Acknowledgments

SSA _____ wishes to acknowledge SSA _____ for her experiences, insights and contributions that were invaluable. Agent _____ contributed significantly in the early stages of this research from September of 1996 thru December of 1998. The Behavioral Science Unit is deeply appreciative of her commitment and efforts on this project until her transfer in February of 1999.

Special appreciation is especially recognized in the following OPR employees who worked from July of 1999 to October 1999 in a vault in the Behavioral Science Unit at the FBI Academy. _____ worked tirelessly and assisted in refining the instruments, reviewing thousands of documents, collecting data, and performing an unenviable, yet invaluable service. _____ and _____ continued to provide assistance on numerous cases until the completion of the research.

I wish to express my gratitude and acknowledge the efforts of _____ Ph.D., Research Coordinator, Behavioral Science Unit, who provided the necessary research guidance and expertise throughout the years from the 1996-1999.

The following individuals contributed at different times and in different ways during the course of this research project. Appreciation is expressed to each for their efforts:

APPENDIX B

BETA RESEARCH CHRONOLOGY

- On September 13, 1996, a meeting was held between members of the BSU and LEEU to discuss a research project examining egregious and criminal misconduct.
- SSAs [redacted] and [redacted] reviewed past FBI research and drafted a research proposal. Dr. John Patrick Jarvis, BSU, is the project research coordinator.
- The first year SSAs [redacted] and [redacted] researched prior law enforcement studies of misconduct and corruption. SSA [redacted] consulted with two physicians (Dr. Pyfe and Dr. Greene) from Temple University, Pennsylvania, who were leading experts in the field of police ethics and corruption.
- Deputy Director approved BETA in January 1998, with the Office of General Council's (OGC) concurrence.
- Project funding was approved in 1998.
- FBI Institutional Review Board (IRB) held all research in abeyance until December 1998, when informed Research Consent Forms were drafted. [redacted] of OGC and the Chair of IRB completed three Research Consent Forms pertinent to BETA.
- Funding was again delayed by FBIHQ in the fall of 1998.
- In April 1999, the Beta research was given final approval.
- Beginning in July 1999, and concluding in October 1999, OPR's Employee Relations Specialists [redacted] and [redacted] were assigned temporary duty status at the FBI Academy to assist with the BETA project.
- Protocols were refined, OPR and personnel files were reviewed, organized, and research data extracted. (BETA research primarily focused on OPR and personnel files.)
- Research was coded, loaded, and analyzed. BETA was officially completed in June 2000.
- May 24, 2000, SSA [redacted] briefed Training Division's Assistant Director (AD), Jeffrey Higginbotham, regarding BETA project results.
- June 23, 2000, SSA [redacted] briefed AD Michael A. DeFec, Deputy Assistant Director John Paul O'Connor, Unit Chiefs, LEEU, and other employees from OPR at the Strategic Information Operations Center, FBI Headquarters.

PREVIOUS STUDIES

There were three (3) prior Bureau studies conducted regarding SA misconduct dated January 1983, July 1985, and March 1990. Review and evaluation revealed that those studies served as a skeletal framework from which BETA investigators could draw subtle comparisons. Those studies were conducted by the Office of Planning, Evaluation, and Audits (OPEA); and, their goal was to review incidents involving SAs to determine if any trends existed that might be of assistance in providing guidance to management in the area of reducing or avoiding similar problems in the future.

BETA is distinct from these aforementioned studies in that:

- No empirical research effort has attempted to identify behaviors or characteristics of SA's who engage in egregious behavior resulting in removal. (Previous studies only listed final categories of incidents.)
- Behavioral Assessment was unique.
- Time span studied.
- Number and types of documents reviewed.
- Interviews conducted.

Notable Conclusions From Previous Studies

- Overall indication from this trend analysis is that there is no apparent single factor or set of factors that earmark a particular group of SAs as prone to be involved.
- No previous study established any identifiable patterns that were suitable for assisting in personnel selection.
- There appeared to be an age (mid-life crisis) and a tenure (mid career crisis) trend for apparent misconduct.
- The previous studies reported a rate of 9-10 incidents per 1000 Agents.
- Summary conclusions, on previous studies reviewed, have been implemented, particularly, in the area of an increased block of instruction on ethics training with New Agents.

Although the researchers are aware that OPR has numerous categories and subcategories of infractions, this research categorized the misconduct in 10 areas. Those major areas are:

1. Drugs/Alcohol Violations.
2. Theft.
3. Sexual Offenses.
4. Security Infractions.
5. Unprofessional Conduct.
6. Violence Toward Others.
7. Lack of Candor/Lying Under Oath.
8. Misuse of Bureau Property.
9. Misuse of Position.
10. Fraud.

APPENDIX C

METHODOLOGY

This project was designed to study FBI Agents who have been dismissed, resigned under inquiry (proposed), or retired due to substantiated acts of criminal and serious misconduct.

INCLUSION CRITERIA

The following criteria was established for the former SAs included in this study:

1. They are no longer employed by the FBI.
2. They were dismissed, resigned, or retired under inquiry for egregious acts between the years of 1986 through 1999. Former SAs who retired, resigned upon receipt of a proposed dismissal letter, or were summarily dismissed from the rolls of the FBI, or those former Agents who were indicted/formally charged with a criminal offense while employed by the FBI.
3. Initially planned were interviews to be conducted of co-workers of the former SAs. These employees were identified in the investigative and OPR files. In addition, any current employee that is not identified in that manner, but meets the criteria, will be included. For inclusion into the Supervisory SA Protocol interview group, Squad Supervisors of the former SAs were eligible.

EXCLUSION CRITERIA

1. If any of the former SAs subjects did not meet the aforementioned criteria, they were excluded from the project. The exclusion criteria was significant because it decreased the subject population considerably. In most cases, without a proposed dismissal scenario, it would be impossible to determine if misconduct occurred and if proposed dismissals or actual dismissals would have been warranted.
2. This also included former SAs meeting requirements for inclusion but are involved in litigation. In addition, researchers would exclude interviews of subjects whom they knew to have attempted suicide, expressed suicide ideation, and/or were involved in treatment, as the subject may be adversely impacted by being interviewed.

Subject Population

- One-hundred and seven (107) former SAs (total population) were included in this BETA research.
- Nineteen (19) cases were excluded due to pending litigation. OGC, Office of Equal Employment Opportunity Affairs, and the Appellate Unit reviewed the list to omit individuals involved in litigation or appeal of disciplinary action.
(20.33%)
- Eighty-eight (88) cases were available for data collection and analysis, and form the basis for the findings, herein.